

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

DEC 11 2013
CLERK, U.S. DISTRICT COURT
SAN ANTONIO, TEXAS

DANA WALTERS,

Plaintiff,

vs.

CIVIL ACTION NO. SA-03-CA-528-FB

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER AT SAN ANTONIO
SCHOOL OF NURSING; CAROL BINZER,
PhD, in her Individual and Unofficial
Capacity; and JANIS RICE, MSN, RN, CS,
in her Individual and Unofficial Capacity,

Defendants.

ORDER REGARDING PENDING MOTIONS

Before the Court is the status of the above-styled and numbered cause. Pending are Defendants' Motion to Dismiss or in the Alternative Motion for Rule 7 Reply (docket no. 4) and Defendants' Motion to Stay Discovery (docket no. 5) until such time as the Court rules upon defendant's motion to dismiss or for rule 7 reply. Plaintiff filed no response in opposition to the motion to dismiss or alternative motion for reply, but the motion to stay contains defendants' certificate of conference indicating that the request for a stay is unopposed.

After careful consideration of the motion to dismiss or alternative motion for rule 7 reply, the pleadings on file and the entire record in this matter, the Court is inclined to find that the motion to dismiss has merit. Nonetheless, the Court will grant relief in the alternative to allow plaintiff the opportunity to file a reply. Discovery shall be stayed pending further ruling.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss or in the Alternative Motion for Rule 7 Reply (docket no. 4) is GRANTED in the alternative such that plaintiff shall file a reply, if any, **on or before August 14, 2003**, to defendants' motion to dismiss.

IT IS FURTHER ORDERED that Defendants' Motion to Stay Discovery (docket no. 5) is GRANTED such that all discovery is STAYED pending further ruling from the Court.

It is so ORDERED.

SIGNED this 7th day of August, 2003.


FRED BIERY
UNITED STATES DISTRICT JUDGE